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WEDBUSH MORGAN SECURITIES INC.

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9 **UNITED STATES DISTRICT COURT**
10 **NORTHERN DISTRICT OF CALIFORNIA**

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12 ACORN CAPITAL GROUP, LLC.,) Case No. C 06 1674 JSW
13 Plaintiff,)
14 vs.) **STIPULATION AND [PROPOSED]**
15 WEDBUSH MORGAN SECURITIES INC.) **ORDER FOR CONTINUING**
and MAX SAFDIE,) **DISCOVERY DATES**
16 Defendants.)
17)
18)
19 AND RELATED CROSS-ACTION)
20)

21 **I. INTRODUCTION**

22 On February 12, 2008, the parties submitted their most recent [Proposed] Order
23 for Continuing Expert Discovery Dates. On February 19, 2008, the Court issued an
24 Order continuing the Expert Discovery deadline to April 11, 2008 (from March 21, 2008).
25 The deadline of March 17, 2008 for the parties to complete Non-Expert Discovery was
26 not changed by the Court's February 19, 2008 Order.

27 In order to complete Non-Expert discovery by the March 17, 2008 deadline, the
28 parties conferred and scheduled the remaining percipient witness depositions as follows:

1 1. March 4, 2008: **Jeffrey Brandon** (former Wedbush employee and Rule
 2 30(b)(6) witness) / Deposition in San Francisco, CA;

3 2. March 5, 2008: **Max Safdie** (Defendant and former Wedbush employee) /
 4 Deposition in San Franciosco, CA;

5 3. March 6, 2008: **Michael Ohlson** (Rule 30(b)(6) witness for Wedbush) /
 6 Deposition in San Francisco, CA;

7 4. March 6, 2008: **Thomas Krug** (Rule 30(b)(6) witness for Wedbush) /
 8 Deposition by phone in San Francisco, CA;

9 5. March 11, 2008: Continued deposition of **Edward Safdie** (Cross-
 10 Defendant) / Deposition in New York, NY;

11 6. March 12, 2008: **Marlon Quan** (C.E.O. of Plaintiff Acorn Capital Group,
 12 LLC,) / Deposition in New York, NY; and

13 7. March 13, 2008: **John W. Nitz** (non-party affiliated percipient witness) /
 14 Deposition in New Haven, CT.

15 Plaintiff's counsel traveled to San Francisco and the parties completed the March
 16 4 – 6, 2008 depositions. Thereafter, on March, 7, 2008, Edward Safdie advised that he
 17 would not be able to attend his scheduled deposition because he was ill and had been
 18 instructed by his doctor not to participate in the deposition. Mr. Safdie further advised
 19 that he had been prescribed and was taking medication that would impair his ability to
 20 testify, and also that he had been advised by his doctor to stay in bed for the next two
 21 weeks. Based upon Mr. Safdie's representations and in the interests of avoiding
 22 submitting a petition to compel Mr. Safdie's deposition, the parties conferred with Mr.
 23 Safdie and obtained his agreement to appear at his continued deposition on April 9,
 24 2008. In order to avoid the expense and inconvenience of two separate trips to New York
 25 by Wedbush's counsel, the parties agreed to continue the depositions of Mr. Quan and
 26 Mr. Nitz for the same week as the agreed date of Mr. Safdie's continued deposition.
 27 Accordingly, to accommodate Mr. Safdie's illness and allow sufficient time for the
 28 parties' experts to consider the upcoming deposition testimony, the parties respectfully

1 request that the Court move the deadline to complete non-expert discovery to April 17,
2 2008 and the deadline for expert discovery to May 9, 2008, with expert disclosures to be
3 exchanged on or before April 25, 2008. This additional time will not impact any of the
4 Court's other deadlines, as the trial is not set to commence until September 8, 2008.

5 Accordingly, the parties have entered into the following stipulation, and
6 respectfully request that the Court execute this Proposed Order based on that
7 stipulation.

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1 **II. STIPULATION**

2 The parties, by and through their attorneys of record herein, submit their
3 Stipulation and Proposed Order Continuing Certain Pretrial Dates as follows:

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5 1. The deadline to complete non-expert discovery may be continued
6 from March 17, 2008 to April 17, 2008. The depositions of Marlon
7 Quan and John Nitz will take place on April 8, 2008, in New Haven,
8 Connecticut; and the deposition of Edward Safdie will take place
9 on April 9, 2008, in New York, New York.

10 2. The deadline to complete expert discovery may be continued from
11 April 11, 2008 to May 9, 2008 (with expert disclosures due by April
12 25, 2008).

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14 **IT IS SO STIPULATED.**

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16 DATED: March , 2008

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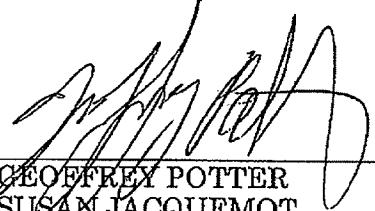
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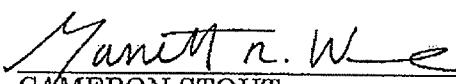
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WEBBUSH MORGAN SECURITIES INC.



MAX SAFDIE, IN PRO PER

DATED: March 13, 2008

DATED: March 19, 2008

ORDER

Based on the stipulation of the parties and good cause appearing, the Court hereby vacates certain of the previously-set pretrial dates and amends the Court's Scheduling Order as follows:

1. The deadline to complete non-expert discovery may be continued from March 17, 2008 to April 17, 2008. The depositions of Marlon Quan and John Nitz will take place on April 8, 2008, in New Haven, Connecticut; and the deposition of Edward Safdie will take place on April 9, 2008, in New York, New York.
2. The deadline to complete expert discovery may be continued from April 11, 2008 to May 9, 2008 (with expert disclosures due by April 25, 2008).

Dated: March 18, 2008

HONORABLE JEFFREY S. WHITE
UNITED STATES DISTRICT COURT JUDGE